

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 OMB-01 CU-05 DRC-01 /097 W

----- 125407

R 240930Z SEP 74

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 4578

INFO AMEMBASSY SINGAPORE

AMCONSUL MEDAN

AMCONSUL SURABAYA

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EO 11652: N/A

TAGS: PINS PINT ID

SUBJ: HARIMAN SIREGAR TRIAL: 28TH-32ND SESSIONS

REF: JAKARTA 11503

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BEGIN SUMMARY: SIXTH WEEKS OF SESSIONS HEARD SIX MORE STUDENT SITNESSES BUT PRODUCED LITTLE NEW INFORMATION. SESSIONS MARKED BY FURTHER PROTESTS FROM WITNESSES AND APPARENT GROWING IMPATIENCE OF JUDGE WITH BOTH PRO-SIREGAR WITNESSES AND DEFENSE COUNSEL. END SUMMARY

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BEGIN UNCLASSIFIED

1. DURING WEEK OF SEPT 16-21 SIX WITNESSES TESTIFIED IN FIVE SESSIONS OF TRIAL. NO SESSION HELD SEPT 17, FIRST DAY OF FASTING MONTH(SUBSEQUENT SESSIONS DURING FASTING PERIOD WILL BE HALF-DAY ONLY). WITNESSES WERE LIMITED OFFICIAL USE

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FOUR ADDITIONAL MEMBERS UI STUDENT COUNCIL (ADBUL SANI

HUTAJULU, TOGAR HUTANGALUNG, HARDJUNA GANESA SIAHAAN AND EKO DJATMIKO) AND TWO CHAIRMEN OF OTHER UNIVERSITY STUDENT COUNCILS (MUSLIN TAMPUBULON OF BANDUNG TECHNICAL INSTITUTE--ITB--AND REMY YESAYA LEIMENA OF INDONESIAN CHRISTIAN UNIVERSITY--UKI--IN JAKARTA). HIGHLIGHTS OF SESSIONS FOLLOW, BASED ON PRESS REPORTS:

2. TESTIMONY PRODUCED VERY LITTLE NEW INFORMATION ON EVENTS SURROUNDING JANUARY 15 RIOTS OR ROLE OF SIREGAR. HUTAGALUNG, SEVENTH MEMBER OF 10 MAN ANTI SIREGAR FACTION TO TESTIFY, ASSERTED THAT SIREGAR HAS EXCEEDED HIS AUTHORITY AS HEAD OF STUDENT COUNCIL BY TRAVELING TO OTHER UNIVERSITIES AND INVITING OUTSIDERS TO UI STUDENT MEETINGS (WHICH SIREGAR AGAIN DENIED), BUT SAID HE HAD NOT HEARD SIREGAR DISCUSS REVOLUTION AS PREVIOUSLY STATED BY FACTION MEMBER TISNAYA KARTUKUSUMAH. TAMPUBULON OF ITB CONFIRMED SIREGAR HAD CRITICIZED GOI AT MEETINGS WITH STUDENTS OF OTHER UNIVERSITIES, AND STATED OTHER STUDENT COUNCILS AHD REJECTED VARIOUS SIREGAR PROPOSALS FOR JOINT STATEMENTS AND PROTEST ACTIVITES. LEIMENA OF UKI ALSO STRESSED LACK OF DIRECT RELATIONSHIP (EXCEPT FOR "TONE" AND "SPIRIT") BETWEEN VARIOUS STUDENT DECLARATIONS AND SPEECHES IN PRE-JANUARY PERIOD, DENIED STUDENT INTENTIONS TO STAGE A COUP, AND AGREED WITH PREVIOUS PRO-SIREGAR WITNESSES THAT SIREGAR HAS FAVORED CANCELLATIONS OF JANURAY 15 STUDENT RALLY FOLLWOING ACCUSATIONS BY MINDEF PANGGABEAN THAT STUDENT ACTIVITIES WERE LEADING TOWARDS A COUP.

3. TWO WITNESSES, LEIMENA AND EKO SOEKARSONO, COMPLAINED OF DENIAL OF VISITATION RIGHTS DURING DETENTION (OVER TWO MONTH PERIOD IN FORMER CASE AND FOUR OUT OF TOTAL SLPHT MONTHS DETENTION FOR LATTER), AND BOTH ALSO COMPLAINED ABOUT DELIVERY OF THER SUMMONS TO TESTIFY (NEVER RECEIVED BY FORMER, RECEIVED BY LATTER LESS THAN 24 HOURS PRIOR APPEARANCE). BOTH LEIMENA AND EKO AT START OF TESTIMONY ALSO REQUESTED (AND WERE GRANTED) RIGHT TO READ VERSUS FROM BIBLE AND QURAN, RESPECTIVELY, AND READ PASSAGES REFERRING TO GOD AS SOURCE OF TRUE JUSTICE (AND IN LEIMENA'S CASE, REFERRING TO INJUSTICE LIMITED OFFICIAL USE

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OF COURTS). LEIMENA ASSERTED (AND TWICE EXERCISED) RIGHT TO REFUSE TO ANSWER QUESTIONS RELATING TO OPINION RATHER THAN FACT, AND EKO BECAME SECOND WITNESS IN TRIAL TO RETRACT PRELIMINARY INVESTIGATION REPORT AS BASIS FOR TESTIMONY, CITING PSYCHOLOGICAL STRESS AND THREASTS DURING INTERROGATION. TAMPUBULON ASO ASKED CLARIFICATION OF HIS RIGHTS AS WITNESS, AND ABDUL SANI HUTAJULU RECOUNTED STORY OF HIS ARREST AS HOSTAGE FOR HIS BRTHER (PREVIOUS

WITNESS) ABDUL SALIM HUTAJULA. JUDGE REFERRED VARIOUS WITNESSES' PROTESTS TO PROSECUTORS, BUT GENERALLY DENIED COURT AUTHORITY OVER TREATMENT OF WITNESSES (AS OPPOSED TO DEFENDENT). JUDGE REJECTED EKO'S WITHDRAWAL OF PRE-TRIAL STATEMENT, AND ULTIMATELY TERMINATED EKO'S TESTIMONY DUE TO INCONSISTANT RESPONSES.

4. ON TWO OCCASIONS DURING WEEK, PRESIDING JUDGE SIBURIAN AGAIN EXPRESSED IRRITATION WITH STATEMENTS BY WITNESSES THAT THEY DID NOT REMEMBER CONTENTS OF VARIOUS PROTEST SPEECHES. SIBURIAN ALSO CAUTIONED ANOTHER WITNESS

NOT TO BE PREJUDICED AGAINST THE COURT. ON OTHER OCCASIONS HE ORDERED SIREGAR NOT TO COMMUNICATE WITH ONE WITNESS AND ORDERED ANOTHER WITNESS NOT TO LOOK AT SIREGAR. DURING DISCUSSION OF EKO PROTEST OVER PRE-TRIAL STATEMENT, SIBURIAN WARNED SPECTATORS THAT LAUGHTER IN COURTROOM WOULD NOT BE TOLERATED.

5. ABDUL SANI HUTAJULU TESTIFIED THAT HE HAD BEEN APPROACHED BY FREDY LATUMAHINA (GOLKAR MEMBER OF PEOPLES' CONSULTATIVE ASSEMBLY) AND ASKED TO SIGN NO-CONFIDENCE MOTION AGAINST SIREGAR. DEFENSE QUESTIONING REVEALED LATUMAHINA'S ASSEMBLY MEMBERSHIP, BUT PROSECUTION PROTESTED AND JUDGE PROHIBITED FOLLOW-UP QUESTION CONCERNING LATUMAHINA'S PARTY AFFILIATION. JUDGE ALSO DENIED DEFENSE REQUEST THAT THREE PRO-SIREGAR STUDENT WITNESSES (ALL DETAINEES) BE ALLOWED TO ATTEND FURTHER SESSIONS OF TRIAL (AS PROVIDED FOR IN PENAL CODE), AND WARNED NOT TO BRING UP QUESTION AGAIN AS IT HAD ALREADY BEEN DECIDED THAT PROSECUTOR WOULD DETERMINE PRESENCE OF WITNESSES. END UNCLASSIFIED

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6. COMMENT: FURTHER PROTESTS, REPEATED LAPSES OF MEMORY, REFUSALS TO ANSWER QUESTIONS, WITHDRAWALS AND QUESTIONING OF PRELIMINARY STATEMENTS AND GENERALLY ASSERTIVE CONDUCT BY WITNESSES OBVIOUSLY BEGINNING TO WEAR OF PATIENCE OF PRESIDING JUDGE. JUDGE ALSO APPARENTLY BECOMING IRRITATED OVER PERSISTENT EFFORTS BY DEFENSE COUNSEL TO PROBE POLITICAL BACKGROUND OF ANTI-SIREGAR STUDENT FACTION AND AGGRESSIVE ESPOUSAL OF DEFENDENT'S AND WITNESSES' RIGHTS. EMBASSY HAS HEARD THAT SIBURIAN

HAS REPUTATION FOR PROCEDURAL FAIRNESS, BUT HIS ACTIONS DURING PAST TWO WEEKS INDICATE HE IS AT MINIMUM INCREASINGLY UNCOMFORTABLE IN HIS ROLE AND POSSIBLY UNDER

OFFICIAL PRESSURE TO PREVENT FURTHER CONDUCT OR STATE-
MENTS AT TRIAL WHICH MIGHT EMBARRASS GOI.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GOVERNMENT OVERTHROW, TRIALS, POLITICAL PRISONERS, STUDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974JAKART11857
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740268-0452
From: JAKARTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740920/aaaaaqhk.tel
Line Count: 172
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: JAKARTA 11503
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 29 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 JUL 2002 by elyme>; APPROVED <11 MAR 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HARIMAN SIREGAR TRIAL: 28TH-32ND SESSIONS
TAGS: PINS, PINT, ID, (SIREGAR, HARIMAN)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005